

THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 25339 of 2005

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Dated:29.11.2005

Between:

L.Jaya Reddy, S/o.late Raghava Reddy
R/o.H.No.2-95/D, Mastan Nagar,
Jubilee Hilols, Hyderabad.

..... PETITIONER

AND

Inspector of Police/Station House Officer, Bowenpally,
Hyderabad, and others.

.....RESPONDENTS

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ORDER:-

The writ petition is filed to declare the action of the respondents in interfering with the peaceful possession and enjoyment of the petitioner's Plot No.83, situate in Sy.No.61 and 63 of Old Bowenpally, Balanagar Mandal, Ranga Reddy District as illegal, improper, arbitrary.

The petitioner submits that he purchased the plot No.83, bearing H.No.8-7-181, situate in Sy.No.61 and 63 of Old Bowenpally, Balanagar Mandal, Ranga Reddy District, admeasuring 263 Sq. yards vide Agreement of Sale-cum-General Power of Attorney, dated 03.12.2002, which was registered as document

No.7953 of 2002. The original pattedar of the said land viz., Sri G. Balvanta Reddy executed the said Agreement of Sale-cum-GPA and possession was given to the petitioner. It is stated that when the 3rd respondent viz., Ch.C.P. Livingstang and one Smt. K.R.Padmavathi started interfering with the possession and enjoyment of the petitioner over the suit schedule property, petitioner filed civil suit in O.S.No.394 of 2003 for grant of permanent injunction. A temporary injunction was granted by an order, dated 23.04.2003, passed in I.A.No.1121 of 2003, on the file of the Principal Junior Civil Judge, Hyderabad West & South Ranga Reddy District, and the 4th respondent was impleaded subsequently.

While so, the son of the original pattedar viz., one Gopal Reddy encouraged one Mr.Kondal Rao stating that he got right and interest over the said land and at the instance and support of Gopal Reddy, Kondal Rao and 4th respondent are interfering with the peaceful possession and enjoyment of the property of the petitioner, and at their instance the police officials also interfering with the right, personal life and liberty of the petitioner by interfering with the civil disputes.

If there is any report/complaint is filed against the petitioner by any person alleging that the petitioner has committed a cognizable offence it is always open for the police to register FIR and investigate into the same, but without there being any report or complaint, the police cannot interfere with the civil disputes of the petitioner.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing respondents 1 and 2 not to interfere with the civil disputes over the petitioner's possession and enjoyment of the property i.e., plot No.83 situated in Sy.No.61 and 63 of old Bowenpally village, Balanagar Mandal, Ranga Reddy District. But however, when a report is filed, it is always open for the police to register a case and investigate the same, if they satisfy that the petitioner has committed a cognizable offence.

29.11.2005

Note:- Issue CC in two days

B/o.

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